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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,213	04/09/2004	Gregory A. Piccionelli	39003.814US01	1327

7590 11/28/2007
Michael M. Gerardi, Esq.
28876 Woodcrest Lake Drive
Menifee, CA 92584

EXAMINER

HADIZONOOZ, BANAFSHEH

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,213

Applicant(s)

PICCIONELLI ET AL.

Examiner

Banafsheh Hadizonooz

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-10,13,24-26,44-50,64-67,69 and 70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-10,13,24-26,44-50,64-67,69 and 70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Detailed Action

In response to correspondence filed on 04/09/2004, claims 1, 7-10, 13, 24-26, 44-50, 64-67, 69 and 70 are pending. This office action is made Non-Final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-10, 13, 24-26, 44-50, 64-67, 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rachman et al (US 2002/0182578) in view of Thomas (US 6,767,212).

Regarding claims 1, 22, 24, 44, 45, 64 and 65, Rachman discloses a system comprising the steps of opening an educational application that includes a plurality of questions pertaining to a subject (e.g. course), answering at least one question (e.g. test) included in the application, providing a link to the user to retrieve additional material (See Abstract and Fig. 4B) and receiving a notification from the central site after the answer is provided (See Fig. 4B and 4C). Rachman does not expressly disclose viewing a model removing an article of clothing when the question is answered correctly. However, the motivational and positive reinforcement methods are well known in the industry. For example, Thomas discloses a network assisted behavior management system, wherein the instructors use a rewarding system to encourage children to perform selected behaviors (See Abstract). Therefore, it would have been

obvious to one of ordinary skill in the art to incorporate the teachings of Thomas into the system and method of Rachman in order to design a system and method that encourages users to be well prepared for the test.

Regarding claim 7, Rachman discloses opening the educational application on a central site via a network.

Regarding claims 8-10, 46, 49 Rachman does not disclose a link to instruct a model to remove an article of clothing in response to a correct answer to a question. However, as mentioned in claim 1 rejection, the behavioral modification methods using positive reinforcement systems are well known in the industry. Therefore choosing a model to remove an article of clothing would have been merely a design choice and does not patentably distinct the application.

Regarding claims 25, 26, 47, 50 Rachman discloses accessing the central site (e.g. course support system) via a network, opening the educational application on a storage medium (e.g. database) provided by the user (See Fig. 1), opening the educational application that comprises a plurality of questions (See Fig. 4B) and receiving the notification from the system when the answer provided is correct (See fig. 4B).

Regarding claim 48, 67 and 70, Rachman does not disclose that the storage medium is CD- Rom. However, the use of CD- ROMs as a storage medium is known in the industry.

Claim 66 discloses means to steps provided in claim 1.

Claim 69 discloses means to perform the steps disclosed in claim 44.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272- 6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

11/26/2007


XUAN M. THAI
SUPERVISORY PATENT EXAMINER